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LEGISLATIVE ACTION

Senate

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House

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Floor: 1/AD/2R

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03/01/2022 10:46 AM

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Senator Albritton moved the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

Section 1. Section 377.814, Florida Statutes, is created to
read:

377.814 Municipal Solid Waste-to-Energy Program.—

(1) CREATION AND PURPOSE OF THE PROGRAM.—The Municipal
Solid Waste-to-Energy Program is created within the department.
The purpose of the program is to provide financial assistance
grants and incentive grants to municipal solid waste-to-energy



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12 facilities to incentivize the production and sale of energy from
13 municipal solid waste-to-energy facilities while also reducing
14 the amount of waste that would otherwise be disposed of in a
15 landfill.

16 (2) DEFINITIONS.—For purposes of this section, the term:

17 (a) "Department" means the Department of Agriculture and
18 Consumer Services.

19 (b) "Municipal solid waste-to-energy facility" means a
20 publicly owned facility that uses an enclosed device using
21 controlled combustion to thermally break down solid waste to an
22 ash residue that contains little or no combustible material and
23 that produces electricity, steam, or other energy as a result.
24 The term does not include facilities that primarily burn fuels
25 other than solid waste even if such facilities also burn some
26 solid waste as a fuel supplement. The term does not include
27 facilities that primarily burn vegetative, agricultural, or
28 silvicultural wastes, bagasse, clean dry wood, methane or other
29 landfill gas, wood fuel derived from construction or demolition
30 debris, or waste tires, alone or in combination with fossil
31 fuels.

32 (3) FINANCIAL ASSISTANCE GRANT PROGRAM.—The department,
33 subject to appropriation, shall provide annual financial
34 assistance grants to municipal solid waste-to-energy facilities
35 that entered into a power purchase agreement with an electric
36 utility before January 1, 2022, which included capacity and
37 energy payments, and the owner of the municipal solid waste-to-
38 energy facility has entered into a new or amended power purchase
39 agreement that either no longer includes capacity payments or
40 includes capacity and energy payments in an amount less than the



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41 total of the capacity and energy payments the municipal solid
42 waste-to-energy facility received under the power purchase
43 agreement entered into before January 1, 2022.

44 (a) To apply for an annual financial assistance grant, the
45 owner of a municipal solid waste-to-energy facility must submit
46 an application to the department. The application must include
47 the name of the applicant's municipal solid waste-to-energy
48 facility, the name of the utility purchasing the electric power
49 from the municipal solid waste-to-energy facility, the total
50 capacity and energy payment the municipal solid waste-to-energy
51 facility received during the last year of the power purchase
52 agreement entered into before January 1, 2022, and the amount of
53 energy delivered to and the total amount paid for such power by
54 an electric utility pursuant to a new or amended power purchase
55 agreement during the preceding state fiscal year.

56 (b) The department shall distribute funds, subject to
57 appropriation, to each qualifying applicant at a rate of 2 cents
58 per kilowatt-hour of electric power purchased by an electric
59 utility during the preceding state fiscal year, not to exceed
60 the difference between the total capacity and energy payment the
61 municipal solid waste-to-energy facility received during the
62 last year of the power purchase agreement entered into before
63 January 1, 2022, and the total of the capacity and energy
64 payment the municipal solid waste-to-energy facility received
65 under a new or amended power purchase agreement during the
66 preceding state fiscal year. To the extent that funds are not
67 available to provide financial assistance to each qualifying
68 applicant for every qualifying kilowatt-hour purchased, the
69 department shall prorate the funds on an equitable basis.



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70 (c) The department shall establish a process to verify the
71 amount of electric power purchased from a municipal solid waste-
72 to-energy facility by an electric utility during each preceding
73 state fiscal year. The Public Service Commission shall provide
74 assistance to the department to help verify the information
75 provided pursuant to paragraph (a).

76 (4) INCENTIVE GRANT PROGRAM.—The department, subject to
77 appropriation, shall provide incentive grants to municipal solid
78 waste-to-energy facilities to assist with the planning and
79 designing for constructing, upgrading, or expanding a municipal
80 solid waste-to-energy facility, including necessary legal or
81 administrative expenses.

82 (a) To qualify for an incentive grant, the owner of a
83 municipal solid waste-to-energy facility must apply to the
84 department for funding; provide matching funds on a dollar-for-
85 dollar basis; and demonstrate that the project is cost-
86 effective, permittable, and implementable and complies with s.
87 403.7061.

88 (b) The Department of Environmental Protection shall
89 provide assistance to the department in determining the
90 eligibility of grant applications and establishing requirements
91 to ensure the long-term and efficient operation and maintenance
92 of facilities constructed or expanded under an incentive grant.

93 (c) The department shall perform adequate overview of each
94 grant application and grant award, including technical review,
95 regular inspections, disbursement approvals, and auditing, to
96 implement this section.

97 (d) Funds awarded under the incentive grant program may not
98 be used to promote, establish, or convert a residential



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99 collection system that does not provide for the separate
100 collection of residential solid waste from recovered materials
101 as defined in s. 403.703.

102 (e) The department shall require the termination or
103 repayment of incentive grant funds if the department determines
104 that program requirements are not being met.

105 (5) FUNDING.—

106 (a) Funds appropriated for the Municipal Solid Waste-to-
107 Energy Program must first be used for financial assistance
108 grants. Any funds remaining in a state fiscal year after
109 disbursement to all qualifying applicants may be used to fund
110 the incentive grant program.

111 (b) Funds awarded under the grant programs set forth in
112 this section may not be used to support, subsidize, or enable
113 the sale of electric power generated by a municipal solid waste-
114 to-energy facility to any small electric utility eligible to
115 petition the commission under s. 366.06(4).

116 (c) Notwithstanding s. 216.301 and pursuant to s. 216.351,
117 funds allocated for the purpose of this section which are not
118 disbursed by June 30 of the fiscal year in which the funds are
119 allocated may be carried forward for up to 5 years after the
120 effective date of the original appropriation.

121 (6) RULES.—The department shall adopt rules to implement
122 and administer this section, including establishing grant
123 application processes for financial assistance grants and
124 incentive grants. The rules shall include application deadlines
125 and establish the supporting documentation necessary to be
126 provided to the department. In adopting rules relating to the
127 financial assistance grant program, the department shall consult



128 the Public Service Commission. In adopting rules for the
129 incentive grant program, the department shall consult the
130 Department of Environmental Protection.

131 Section 2. This act shall take effect July 1, 2022.
132

133 ===== T I T L E A M E N D M E N T =====

134 And the title is amended as follows:

135 Delete everything before the enacting clause
136 and insert:

137 A bill to be entitled
138 An act relating to the Municipal Solid Waste-to-Energy
139 Program; creating s. 377.814, F.S.; creating the
140 Municipal Solid Waste-to-Energy Program within the
141 Department of Agriculture and Consumer Services for a
142 specified purpose; defining terms; requiring the
143 department, subject to appropriation, to provide
144 annual financial assistance grants to municipal solid
145 waste-to-energy facilities that meet certain
146 requirements; requiring the department to distribute
147 funds to qualifying applicants based on certain
148 criteria; requiring the department to establish a
149 process to verify the amount of certain electric power
150 purchases; directing the Public Service Commission to
151 provide assistance in verifying grant eligibility;
152 requiring the department, subject to appropriation, to
153 provide incentive grants to municipal solid waste-to-
154 energy facilities to assist with certain costs;
155 specifying requirements for applying for the funding;
156 requiring the Department of Environmental Protection



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157 to provide assistance in determining grant eligibility
158 and establishing requirements; requiring the
159 department to perform grant overview; prohibiting
160 funds from being used for specified purposes;
161 establishing priority for funding for the grants;
162 authorizing the balance of certain unexpended funds to
163 be carried forward for a specified number of years;
164 requiring the Department of Agriculture and Consumer
165 Services to adopt rules; providing an effective date.
166

167 WHEREAS, as provided in s. 366.91(1), Florida Statutes, the
168 Legislature has determined that it is in the public interest to
169 promote the development of renewable energy resources in this
170 state, and

171 WHEREAS, under s. 366.91, Florida Statutes, municipal solid
172 waste-to-energy facilities that use biomass as a fuel or energy
173 source are deemed to be producing renewable energy, and

174 WHEREAS, municipal solid waste-to-energy facilities provide
175 a practical and sustainable solution to reducing landfill waste,
176 reducing volume by about 87 percent, and

177 WHEREAS, the Legislature recognizes the benefits that
178 municipal solid waste-to-energy facilities contribute to the
179 state and its local communities, and

180 WHEREAS, the Legislature intends to incentivize the
181 production and sale of energy from municipal solid waste-to-
182 energy facilities through grant programs, NOW, THEREFORE,